

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

KEN PAXTON, in his official capacity as
Attorney General of Texas, *et al.*
Plaintiffs,

vs.

STEVEN M. DETTELBAACH, in his official
Capacity as Acting Director, Bureau of
Alcohol, Tobacco, Firearms and
Explosives, *et al.*
Defendants.

Civil Action No. 4:22-cv-00143-P

JOINT MOTION TO EXTEND DEADLINES FOR ANSWER AND JOINT REPORT

Pursuant to the Federal Rules of Civil Procedure and the Local Rules, the parties file this Joint Motion to Extend the deadlines for Defendants' Answer and the Joint Report with a proposed briefing schedule that was set in the Court's October 5, 2022 Scheduling Order. (ECF 34). Defendants' Answer and the Joint Report are currently due on October 17 and October 19, 2022, respectively. For the foregoing reasons, the parties seek to extend the Answer deadline by one week to October 24, 2022, with the Joint Report to follow one week later, on October 31, 2022. Counsel for both parties conferred regarding this motion and agreed that there is good cause for seeking this extension. This is the first request for an extension of these deadlines.

Plaintiffs filed their Second Amended Complaint on July 15, 2022. (ECF 22), and Defendants moved to dismiss on August 2, 2022. (ECF 26). The Court denied Defendants' Motion to Dismiss the Second Amended Complaint on October 3, 2022. (ECF 34). Pursuant to Federal Rule of Civil Procedure 12, Defendants' Answer to the Complaint is due fourteen days thereafter, on October 17, 2022.

On September 14, 2022, while Defendants' Motion to Dismiss was pending, the Court issued an initial Scheduling Order setting various discovery deadlines. (ECF 32). However, upon resolving the Motion to Dismiss, the Court issued another Scheduling Order, which stated that "[t]he issues before the Court are seemingly comprised of only questions of law and there does not appear to be any disputed factual matters or a need for factual discovery." (ECF 34). The Court further stated that it issued the new Order "to set a dispositive briefing schedule regarding plaintiff's prayer for relief" and ordered the parties to submit a joint report with a proposed briefing schedule by October 19, 2022.

Counsel for all parties conferred on October 12, 2022, during which Plaintiffs' counsel explained that Plaintiffs' positions in the forthcoming joint report will likely be informed by the content of Defendants' Answer. In light of that discussion, the parties believe that a one-week extension of time for Defendants' Answer would benefit the parties and the Court, by giving Defendants an opportunity to adequately consider the issues raised during the parties' conference with respect to their forthcoming Answer. In addition, allotting one week between the deadline for Defendants' Answer and the deadline for the Joint Report would give the parties an opportunity to further confer about a proposed schedule in a manner that is informed by the content of Defendants' Answer, and thus a chance to reach common ground in their proposal.

Accordingly, the parties respectfully request that the Court grant this motion for extension of time and reset the deadline for Defendants' Answer to October 24, 2022, and the deadline for the Joint Report to October 31, 2022.

DATED: October 13, 2022

Respectfully submitted,

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Assistant Branch Director

/s/ Emily B. Nestler

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CERTIFICATE OF SERVICE

On October 13, 2022, I electronically submitted the foregoing with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Emily B. Nestler
EMILY B. NESTLER